

2018 Report on Health and Safety Standards for Workers Engaged in Oil and Gas Operations

Citation of Law or Resolution: N.C.G.S. § 113-391(e)

Section Number: N/A

Due Date: October 1, 2018

Submission Date: September 28, 2018

Receiving Entities:

Environmental Review Commission

Joint Legislative Commission on Energy Policy

Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources

Senate Appropriations Committee on Agriculture, Natural and Economic Resources

House Appropriations Committee on Agriculture and Natural and Economic Resources

Fiscal Research Division

Submitting Entity:

The N.C. Department of Labor

Pursuant to N.C.G.S. § 113-391(e), the N.C. Department of Labor (NCDOL) is required to submit an annual report regarding the department's activities related to developing, adopting, and enforcing rules establishing health and safety standards for workers engaged in oil and gas operations.

Since the department's last report of October 2, 2017, the agency has not adopted or developed new rules specific to workers engaged in oil and gas operations. However, this report will provide an update on the respirable crystalline silica standard originally summarized in previous years' reports.

In June 2016, the federal Occupational Safety and Health Administration (OSHA) adopted a final rule regarding employee exposure to respirable crystalline silica. The final rule became effective June 23, 2016, but compliance dates for industries were phased in over a several year period. As indicated in the NCDOL's 2017 report, enforcement of the standard in the construction industry began September 23, 2017.

North Carolina's state-plan agreement with OSHA requires this state's occupational safety and health standards to be at least as effective as federal standards. To that end, the N.C. Department of Labor has adopted the federal rules for silica.

Regarding the impact of these rules on workers engaged in oil and gas operations – compliance for industries involved in hydraulic fracturing began June 23, 2018, except for engineering controls which have a compliance date of June 23, 2021. On June 7, 2018, OSHA issued a memorandum outlining enforcement actions for employers making good faith efforts to comply with the standard during the first 30 days of implementation following the June 23, 2018 enforcement date. The NCDOL's Occupational Safety and Health Division adopted the same procedures, which ended on July 23, 2018.

Following is a link to OSHA's webpage on the new silica rule - <https://www.osha.gov/silica/index.html>.

Please let me know if you need additional information regarding this report or the silica rule.

Respectfully submitted,
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